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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,977	11/26/2001	Tsuyoshi Sakata	4777/6	2857

29540 7590 12/29/2006
PITNEY HARDIN LLP
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NEW YORK, NY 10036-7311

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/994,977

Applicant(s)

SAKATA ET AL.

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's arguments, dated 10/06/06, with respect to claims 1, 3 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Noreen et al. (US Pub. 2002/0183059).

Regarding claim 1, Noreen et al. disclose a receiving device, comprising:

a broadcast receiving section (see fig.14, element 324) receiving data by broadcast means (see par.065);

a data accept section accepting the data by communication means (see fig.14, element 402, par.066); wherein:

said broadcast receiving section receives common information (see par.048, lines 17-19, "conventional AM/FM radio" corresponds to "common information to a plurality of receiving devices"); which is necessary upon accepting the data by the communication means (see

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par.0059, "program segment identified" corresponds to "necessary upon accepting the data"), and simultaneous, and is common to a plurality of receiving devices

said data accept section performs a transmission request of inherent information inherent to the receiving device by indicating an identifier of itself by a communication means while accepting the inherent information according to said identifier (see par.057).

Regarding claim 2, Noreen et al. disclose said inherent information, which is inherent to the receiving device, is necessary upon accepting the data by the communication means further comprising:

a write section writing said common information and said inherent information (see par.075,084)

Regarding claim 3, Noreen et al. disclose a receiving device, comprising:

a broadcast receiving section receiving data by broadcast means (see par.065);

a data accept section accepting the data by communication means (see fig.14, element 402, par.066); wherein:

said broadcast receiving section receives permanent information which does not change with the passage of time (see par.069, the song "My One and Only Love" does not change with the passage of time); and

said data accept section performs a transmission request of inherent information inherent to the receiving device by indicating an identifier of itself by a communication means while accepting the inherent information according to said identifier (see par.066); and

said receiving device synthesizes the permanent information and the variable information, thereby generating information (see par.066, "the absolute time, position of the mobile unit" and

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"the carrier frequency from the broadcast radio receiver" corresponds to synthesizes the permanent information and the variable information").

Regarding claim 4, Noreen et al. disclose information indicating links of the hypertext (see par.012); and

Said data accept section accepts link information which is information indicating links of the hypertext (see par.012).

Regarding claim 5, Noreen et al. disclose a receiving device, comprising:

a broadcast receiving section receiving data by broadcast means (see par.065); and

a data accept section accepting the data by communication means (see fig.14, element 402, par.066), wherein

said broadcast receiving section accepts receives instruction presence information for accepting instruction information, said instruction presence information indicating an instruction by the communication means, said instruction information being information for notifying the receiving section that there is instruction information which the receiving section is to receive by the communication means, designating as to whether or not the instruction information indicating an instruction is to be accepted by a data accept section of a receiving device among a plurality of receiving devices, and as to which data accept section of a receiving device is to accept the instruction information (see par.066),

said data accept section accepts by requesting the instruction information if the instruction presence information indicates that the instruction information is to be accepted (see par.066), and

said receiving device includes data execution section executing the instruction indicated by the instruction information accepted by said data accept section (see par.019).

Regarding claim 6, Noreen et al. disclose said instruction presence information is information indicating presence/absence of an instruction to fetch a mail, and said instruction information includes a content of an instruction to acquire the mail (see par.049).


Regarding claim 7, Noreen et al. disclose said instruction presence information is information indicating presence/absence of information indicating a recording reservation, and said instruction information includes information necessary for a recording reservation (see par.049).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


12/18/06